

E-Filed 8/13/08

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RHONDA HARRISON,

Plaintiff,

v.

CURTIS O. BARNES, et al.,

Defendants.

Case Number C 07-5529 JF (RS)

ORDER¹ GRANTING DEFENDANTS'
MOTION TO SET ASIDE DEFAULT

[Doc. No. 16]

The Court has received Defendants' motion to set aside the clerk's entry of default, Plaintiff's opposition, and Defendants' reply. It is clear from the briefing that Defendants consistently have indicated an intent to settle or litigate this matter. It appears that Plaintiff obtained the clerk's entry of default while Defendants were in the process of obtaining counsel. Plaintiff has not demonstrated prejudice resulting from Defendants' delay in responding to the complaint. Accordingly, the motion is GRANTED.

Defendants shall answer or otherwise respond to the complaint on or before September 5, 2008.

¹ This disposition is not designated for publication in the official reports.

1 The case is set for a Case Management Conference on October 10, 2008.

2 IT IS SO ORDERED.

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14 DATED: August 13, 2008

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17 JEREMY FOGEL
18 United States District Judge
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1 Copies of Order served on:

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